

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOHN H. ROOKER,

Plaintiff,

v.

MICHAEL E. BUDYNSKI,

Defendant.

DECISION AND ORDER

1:17-CV-00603-EAW-MJR

This Court referred all pretrial matters in the case to United States Magistrate Judge Michael J. Roemer pursuant to 28 U.S.C §§ 636(b)(1)(A) & (B). (Dkt. 9). On August 27, 2018, Magistrate Judge Roemer issued a thorough Report and Recommendation recommending that all claims in the above-referenced litigation be remanded to the state court pursuant to 28 U.S.C. § 1447(c). (Dkt. 21).

Pursuant to Fed. R. Civ. P. 72(b)(2) and 28 U.S.C. § 636(b)(1), the parties had until September 11, 2018, to file objections. No objections were filed. The Court is not required to review *de novo* those portions of a report and recommendation to which objections were not filed. *See Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure [to timely] object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”).

The Court has reviewed the Report and Recommendation, and finds no reason to reject or modify it. Therefore, the Court accepts and adopts the Report and Recommendation and the matter is remanded.

SO ORDERED.

s/ Elizabeth A. Wolford
ELIZABETH A. WOLFORD
United States District Judge

Dated: September 14, 2018
Rochester, New York